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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,069	12/04/2000	Nicolas Nagel	GR 99 P 5374	6450
24131	7590	11/01/2007		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			VU, DAVID	
HOLLYWOOD, FL 33022-2480				
			ART UNIT	PAPER NUMBER
			2818	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/729,069

Applicant(s)

NAGEL ET AL.

Examiner

DAVID VU

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,10,12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief, filed on 07/25/07, with respect to the rejection of claims 1-2, 4, 10, 12 and 14-16 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Beratan et al. (US 6,177,351).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 10, 12 and 14-16 are rejected under 35 U. S. C. 102(e) as being anticipated by Beratan et al. (US 6,177,351, hereinafter Beratan)

Regarding claims 1, 2 and 12, Beratan, in related text and fig. 3 discloses a microelectronic structure, comprising:

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a base substrate at least partly composed of an insulating material 302 and formed with an opening; opening completely penetrating through insulating material 302; at least one conductive material 306/307/308 filling opening;

a barrier layer 304 provided over base substrate, barrier layer including an oxygen-containing iridium layer IrO/IrO₂ (col. 5, line 9) and an oxygen barrier layer, oxygen barrier layer being composed of one of iridium dioxide and ruthenium dioxide 304 (col. 5, lines 6-13);

an adhesion layer 310 disposed between base substrate and barrier layer 304, adhesion layer 310 containing at least one material selected from the group consisting of Zr, V, Cr (col. 5, lines 22-38)

a metal silicide layer 310 disposed on base substrate directly between adhesion layer 310 and opening (col. 5, lines 22-38), causing a layer stack of silicide layer 310, adhesive layer 310 and oxygen-containing barrier layer 304 to be formed above opening.

causing a layer stack of silicide layer 46, adhesive layer 46 and oxygen-containing barrier layer 48 to be formed above opening.

Regarding claim 4, Beratan discloses insulating material 302 is formed of SiN/SiO (col. 4, lines 26-35)

Regarding claim 10, Beratan discloses a metal containing-electrode 304 (Ru/Rh/Pd/Re/Ir) covering oxygen barrier layer IrO₂/RuO₂ (col. 5, lines 6-13).

Regarding claim 14, Beratan discloses metal silicide 310 contains at least one silicide selected from the group consisting of titanium silicide, tantalum silicide, chromium silicide, molybdenum silicide, tungsten silicide and platinum silicide (col. 5, lines 22-38).

Regarding claim 15, Beratan discloses a metal-oxide-containing layer 312 covering metal-containing electrode layer 304, metal-oxide-containing layer 312 being a layer selected from the group consisting of a dielectric metal-oxide-containing layer, a ferroelectric metal-oxide-containing layer and a paraelectric metal-oxide-containing layer (col. 5, lines 55-65 and fig. 3).

Regarding claim 16, Beratan discloses a noble metal layer 304 (Ru/Rh/Pd/Re/Ir) disposed on barrier layer 304 (col. 5, lines 6-13).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1798. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke H can be reached on (571) 272-1657. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID VU
PRIMARY EXAMINER